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OFFICE OF PETITIONS

Date: APR 16th, 2004

Nombre de pages incluant celle-ci: 16

Raison sociale de l'entreprise ou organisme du destinataire: USPTO

Nom du destinataire: Office of Petitions c/o Derek Woods

Numéro de fax du destinataire: (703) 872-9306

Nom de l'expéditeur: Gilles Boulanger

Objet: Application 09/988,475 Several et al

Message:

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APR 19 2004
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6

REQUEST FOR RECONSIDERATION OF PETITION UNDER CFR 1.137

ATTN: Derek L. Woods, Petitions attorney

Application : 09/988,475
Inventor : Savard et al
Filing date : 11/20/2001
Examiner : Kovacs, Arpad F.
Title : **MANEUVERABLE AND ADJUSTABLE LAWN
MOWER HAVING AN EDGING-TRIMMING UNIT**

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A fee of \$210.00 is enclosed by way of Credit Card Payment to cover the two month late charge under 37 CFR 1.136(a)

APR 21 2004

Enclosed are copies of the documents which were sent via fax on april 13th, 2003.

OFFICE OF PETITIONS

On august 13th, a second fax transmission was made of the amendment along with fax transmission proofs of the april 14th fax transmission to argue our case. This was dismissed and the application went abandoned. This led to the petition for revival which was sent November 25th, 2003, petition which, as you are aware, was dismissed.

The enclosed documents, most notably the certificate of transmission and the fax logbook (note the third line indicated by arrow, with invoice (we had used a fax service since our own fax was not working) should prove that we had indeed sent, by fax, a reply to the office action within the allotted time and, as described later in the petition, the USPTO apparently never received that transmission. It should therefore become clear that there is no grounds for abandonment.

A note about the format of the amendment: At that time, the original amendment was sent, the current amendment practice were not in place. Upon revival of this application, if required, we will reformat the amendment so that it complies with the new formatting, for now, we are more concerned with recreating the sequence of documents as they were originally sent so as to retrace the event.

04/19/2004 ZJUHR1 00000121 09988475

01 FC:2252

210.00 DP



Serge Savard



REÇU

Date 14 AVRIL 03

74-04-03

R1

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Reçu de
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☒ Photocopies☒ Fax☐ Reliures☐ Plastification☐ Divers

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T.P.S. : R103608837 T.V.Q. : 1009577706

14-07-03	1440	DENISE HERBERT			0704	1
14-04-03	2645	MAURICE BOISVERT	MTL	1-514-637-6375		2
14-04-03	3430	GILLES BOLLANGER	U.S.	1-703-872-9302		8
15-04-03	1435	HUGUETTE ROUSSEAU	SHENB.	820-3971		10
15-04-03	2610	JOEY DAVIDSON	QC	1-418-577-0205		1
15-04-03	15:21	Michel P. Bergeron		843-5676		1
15-04-03	15:22	Michel P. Bergeron		847-3648		1
15-04-03	15:24	Michel P. Bergeron		868-3073		1
15-04-03	17:16	Jac. Bélanger		450-583-2039		2
16-04-03	8:45	Michel Richard	MTL	450-676-8086		4
17-04-03	9:00	Hélène Richard		1-800-648-3884		2
17-04-03	11:20	CLAUDE PELOQUIN	MTL	1-450-671-5243		1
18-04-03	11:30	Guy Côté	MTL	1-450-772-6922		2
22-04-03	1455	CLAUDE VIGER	MTL	1-514-736-4788		3
22-04-03	16:33	Jean (Barbier)	Montréal	1-800-304-3447		1
23-04-03	13:40	Andrée Levesque	Shenbrooke	563-1124		2
24-04-03	11:40	PIERRE RAYMOND	SHENB.	564-2161		2
26-04-03	10:20	Renée Lacroix	MTL	1-800-305-2550		2
28-04-03	9:55	BRIGITTE GILBERT	ESTRIE	819-832-4481		1
29-4-03	8:25	JUDITH LAPARÉE	LENNOXVILLE	837-1382		2
30-4-03	9:20	MARYSE COZÉ	Quebec	1-418-666-2737		3
30-4-03	9:30	PIERRE GILBEAULT	MTL	1-450-678-1194		2
30-4-03	11:05	JEAN LALONDE	MTL	1-450-670-5463		8



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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: **Serge Savard**

Art Unit: **3671**

Application Number: **09/988,475**

Examiner: **Kovacs, Arpad F.**

Filed: **11/20/2001**

Title: **MANEUVERABLE AND ADJUSTABLE LAWN MOWER HAVING
AN EDGING-TRIMMING UNIT**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ **55** (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(i)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify the type of reply):

- ☒ has been filed previously on _____
- ☐ is enclosed herewith.

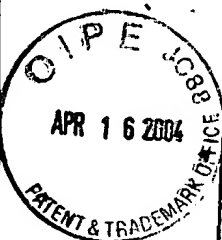
B. The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

25-11-2003

Date



Serge Savard

Typed or printed name

514-376-1273

Telephone Number

Registration Number, if applicable

4050, ROSEMONT BLVD # 1607

Address

MONTREAL, QUEBEC, CANADA

Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

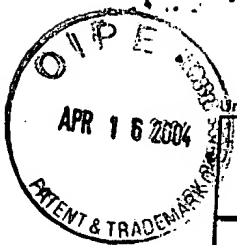
I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

25-11-2003

Date

Serge Savard

Registration Number, if applicable

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A reply to the Office Action sent by Examiner Kovacs was filed by fax transmission on April 14th, 2003, well within the allowed time limit for reply, at that fax number : 703 872-9302 (8 pages). We then received a confirmation of successful transmission from the fax machine.

Assuming that the filing had been done in due time, we took no further action.

Apparently, the USPTO never received our fax transmission. Some time later, we were informed by Examiner Kovacs that the application would be abandoned for failure to reply to the OA within the applicable time limits. We sent records of our fax transmission from the log book of transmission along with a signed certificate of transmission and a resend of our original Office Action reply on August 13th, 2003 at that fax number : 703 872-9326. This transmission was received but apparently, these were not valid proofs. So the application was officially abandoned.

Since we made every effort on our part to keep our application alive, we claim that the abandonment was unavoidable and therefore petition for its revival.

(Please attach additional sheets if additional space is needed.)

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